

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2088

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Subject to the requirements of article IV, part 1, section
3 1, Constitution of Arizona, section 41-511.23, Arizona Revised Statutes, is
4 amended to read:

5 41-511.23. Conservation acquisition board: land conservation
6 fund; conservation donation and public conservation
7 accounts; livestock and crop conservation fund

8 A. The conservation acquisition board is established, as an advisory
9 body to the Arizona state parks board, consisting of the following members
10 who are appointed by the governor, at least one of whom shall be experienced
11 in soliciting money from private sources:

12 1. One state land lessee.
13 2. One member who is qualified by experience in managing large
14 holdings of private land for income production or conservation purposes.
15 3. One member of the state bar of Arizona who is experienced in the
16 practice of private real estate law.

17 4. One real estate appraiser who is licensed or certified under title
18 32, chapter 36.

19 5. One member who is qualified by experience in marketing real estate.
20 6. One representative of a conservation organization.
21 7. One representative of a state public educational institution.

22 B. The governor shall designate a presiding member of the board. The
23 term of office is five years except that initial members shall assign

1 themselves by lot to terms of one, two, three, two members for four and two
2 members for five years in office.

3 C. The conservation acquisition board shall:

4 1. Solicit donations to the conservation donation account.

5 2. Consult with entities such as private land trusts, state land
6 lessees, the state land department, the Arizona state parks board and others
7 to identify conservation areas that are reclassified pursuant to section
8 37-312 and that are suitable for funding.

9 3. Recommend to the Arizona state parks board appropriate grants from
10 the land conservation fund.

11 D. The land conservation fund is established consisting of the
12 following accounts:

13 1. The conservation donation account consisting of monies received as
14 donations. Donations to the account are subject to any lawful conditions the
15 donor may prescribe, including any conditions on the use of the money or
16 reversion to the donor. Monies in the account are exempt from the provisions
17 of section 35-190 relating to lapsing of appropriations.

18 2. The public conservation account consisting of monies appropriated
19 to the account from the state general fund and monies from any other
20 designated source. In fiscal years 2000-2001 through ~~2010-2011~~ 2011-2012,
21 the sum of twenty million dollars is appropriated each fiscal year from the
22 state general fund to the public conservation account in the land
23 conservation fund for the purposes of this section. Monies in the account
24 are appropriated for the purposes of this section, and the Arizona state
25 parks board may spend monies in the account without further legislative
26 authorization. Each expenditure of monies from the public conservation
27 account for purposes listed under subsection G, paragraph 2 of this section
28 shall be matched by an equal expenditure of monies from the conservation
29 donation account or from other private or governmental sources.

30 E. If the legislature fails to appropriate monies to the public
31 conservation account in a fiscal year, and if there are no other monies in
32 the public conservation account, the Arizona state parks board may either

1 grant nothing from the fund in that year or, on recommendation by the
2 conservation acquisition board, may grant available monies in the
3 conservation donation account for purposes authorized in subsection G of this
4 section.

5 F. The monies in the fund are exempt from the provisions of section
6 35-190 relating to lapsing of appropriations.

7 G. Monies in the public conservation account, with matching monies
8 from the conservation donation account, are appropriated as follows:

9 1. A total of two million dollars each fiscal year to the livestock
10 and crop conservation fund. The fund is established for the purposes of this
11 paragraph. Monies in the fund are continuously appropriated to the Arizona
12 department of agriculture for the exclusive purpose of granting monies to
13 individual landowners and grazing and agricultural lessees of state or
14 federal land who contract with the Arizona department of agriculture to
15 implement conservation based management alternatives using livestock or crop
16 production practices, or reduce livestock or crop production, to provide
17 wildlife habitat or other public benefits that preserve open space and for
18 administrative expenses as provided by this paragraph. The department shall
19 administer the fund. On notice from the director of the department, the
20 state treasurer shall invest and divest monies in the fund as provided by
21 section 35-313, and monies earned from investment shall be credited to the
22 fund. Monies in the fund are exempt from the provisions of section 35-190
23 relating to lapsing of appropriations. For the purposes of granting monies
24 from the fund pursuant to this paragraph, the department:

25 (a) Shall develop guidelines and criteria for implementation of this
26 program that shall include requiring as part of the application a letter
27 describing the intended use for the grant money.

28 (b) Shall give priority to lessees of state or federal land who reduce
29 livestock production to provide public benefits such as wildlife species
30 conservation or wildlife habitat.

31 (c) Shall not grant more than fifty per cent of the monies in the fund
32 with respect to land in one county in any fiscal year.

1 (d) Is exempt from chapter 6 of this title with respect to adopting
2 rules, except that the department shall provide for public notice and sixty
3 days for public comment on the annual grant guidelines and criteria,
4 including public hearings.

5 (e) Shall award all grants pursuant to chapter 24, article 1 of this
6 title.

7 (f) Shall require each grantee to submit to the department, within
8 twelve months after receiving the grant, a written report detailing how grant
9 monies were used to achieve the project described in the letter submitted as
10 part of the application. If the project is longer than one year, a written
11 report shall be submitted to the department on an annual basis until the
12 project is complete.

13 (g) May use not more than ten per cent of the monies appropriated to
14 the fund in any fiscal year for the purposes of administering the program.

15 (h) Shall prepare a report of the disposition of monies appropriated
16 to the fund each fiscal year and provide a copy of the report to the
17 governor, to the Arizona state parks board and to any person who requests a
18 copy.

19 2. The remainder of the monies to the Arizona state parks board for
20 the exclusive purpose of granting monies to the state or any of its political
21 subdivisions, or to a nonprofit organization that is exempt from federal
22 income taxation under section 501(c) of the internal revenue code and that
23 has the purpose of preserving open space, for the following purposes only:

24 (a) To purchase or lease state trust lands that are classified as
25 suitable for conservation purposes pursuant to title 37, chapter 2, article
26 4.2. A grant of money under this subdivision to a nonprofit organization is
27 conditioned on the organization providing reasonable public access to any
28 land that is wholly or partly purchased with that money. The organization
29 shall agree with the Arizona state parks board that it will impose a
30 restrictive covenant, running with the title to the land, granting such
31 access and providing for reversion to this state of any interest in the
32 property acquired with money granted under this subdivision on the failure to

1 comply with the terms of the covenant. The Arizona state parks board and the
2 state land commissioner have standing to either enforce the covenant or
3 recover the amount of the grant from the current owner, with interest from
4 the date the grant was awarded to the nonprofit organization.

5 (b) To purchase the development rights of state trust lands throughout
6 this state under the following conditions:

7 (i) The development rights shall be sold at public auction as provided
8 in section 37-258.01.

9 (ii) The lessee of the state trust land at the time the development
10 rights are purchased shall be notified of the purchase in writing.

11 (iii) The purchase of the development rights shall not result in
12 cancellation or modification of the current lease.

13 (iv) The purchase of the development rights shall not affect the
14 existing lessee's current economic use of the land and rights pursuant to
15 title 37, chapter 2, article 4.2.

16 (v) As a condition of the sale of the development rights, the
17 purchaser shall agree in perpetuity not to exercise the development rights
18 and that the land shall remain as open space.

19 (vi) The state trust land shall retain any other rights and attributes
20 as prescribed by law at the time of the purchase.

21 H. For the purposes of subsection G, paragraph 2 of this section:

22 1. The Arizona state parks board shall not grant more than fifty per
23 cent of the monies with respect to land in one county in any fiscal year.

24 2. A grant of money is valid for eighteen months and may be extended
25 one time for twelve additional months if a required public auction has not
been held.

27 3. The Arizona state parks board may adopt rules to establish
28 qualifications of nonprofit organizations for purposes of applying for and
29 receiving money granted.

30 4. The owner of property that is wholly or partly acquired with money
31 granted shall not restrict or unreasonably limit access to private lands.

1 Any sale of land with money granted shall include a condition requiring that
2 permanent access to private lands be allowed.

3 I. The Arizona state parks board shall administer the land
4 conservation fund. On notice from the board, the state treasurer shall
5 invest and divest monies in either account in the fund as provided by section
6 35-313, and monies earned from investments shall be credited to a separate
7 administration account to pay the board's expenses of administering the land
8 conservation and acquisition program under subsection G, paragraph 2 of this
9 section, which shall not exceed five per cent of the amount deposited in the
10 public conservation account in any fiscal year or five hundred thousand
11 dollars, whichever is less. Any unobligated amount remaining in the
12 administration account at the end of the fiscal year shall be credited to the
13 public conservation account for purposes of subsection D of this section.

14 J. Members of the conservation acquisition board may be reimbursed for
15 travel and lodging expenses and per diem subsistence allowances incurred
16 while on public business for the board. Reimbursement amounts shall not
17 exceed those allowed under title 38, chapter 4, article 2.

18 Sec. 2. Transfer of monies; land conservation fund

19 Subject to the requirements of article IV, part 1, section 1,
20 Constitution of Arizona, notwithstanding section 41-511.23, subsection D,
21 paragraph 2 and subsection G, paragraphs 1 and 2, Arizona Revised Statutes,
22 the following amounts are transferred from the fiscal year 2008-2009
23 appropriation for the public conservation account of the land conservation
24 fund to compensate for fiscal year 2008-2009 agency budget reductions and
25 reversions as follows:

1. Arizona geological survey	\$110,300
2. State land department	
Trust land management	\$625,000
Natural resource conservation districts	\$283,800
3. Arizona state parks board heritage fund	\$3,000,000
4. Arizona state parks board	
Lump sum reduction	\$846,300

1	Land conservation fund interest	\$1,568,800
2	State park fees	\$2,241,100
3	5. Department of water resources	
4	Lump sum suspension/reduction	\$1,785,800
5	Water banking fund	\$1,561,900
6	6. Department of commerce	
7	Commerce workshops fund (growing smarter) (FRAT)	\$23,000
8	7. State land department	
9	Community protection fund	\$940,200
10	Fire suppression	\$1,000,000
11	8. Arizona state parks board	
12	State parks heritage fund	\$1,900,300
13	State parks enhancement fund (FRAT)	\$413,000
14	9. Department of water resources	
15	Augmentation and conservation	
16	assistance fund (FRAT)	\$99,800
17	Sec. 3. <u>Appropriation; land conservation fund</u>	
18	Subject to the requirements of article IV, part 1, section 1,	
19	Constitution of Arizona, notwithstanding section 41-511.23, subsection D,	
20	paragraph 2 and subsection G, paragraphs 1 and 2, Arizona Revised Statutes,	
21	and in addition to any other appropriations the following amounts are	
22	appropriated from the fiscal year 2008-2009 appropriation for the public	
23	conservation account of the land conservation fund to compensate for fiscal	
24	year 2008-2009 agency expenditure suspensions as follows:	
25	1. Department of commerce	
26	Commerce workshops fund (growing smarter) (EBT)	\$24,000
27	2. Arizona game and fish department	
28	Wildlife restoration and enhancement (EBT)	\$145,000
29	3. Arizona state parks board	
30	State parks enhancement fund (EBT)	\$3,077,000

1 4. Department of water resources
2 Augmentation and conservation assistance
3 fund (EBT) \$354,700

4 Sec. 4. Requirements for enactment; three-fourths vote

5 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
6 section 41-511.23, Arizona Revised Statutes, as amended by this act, and
7 sections 2 and 3 of this act, relating to transfer and appropriation of
8 monies, are effective only on the affirmative vote of at least three-fourths
9 of the members of each house of the legislature.

10 Sec. 5. Emergency

11 This act is an emergency measure that is necessary to preserve the
12 public peace, health or safety and is operative immediately as provided by
13 law."

14 Amend title to conform

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